

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JERRY CASPER, JR.
Plaintiff

VS.

**SCIENCE APPLICATIONS
INTERNATIONAL CORP. d/b/a SAIC,
INC.**

Defendant

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No. 5:11-CV-103

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Jerry Casper, Jr. ("Plaintiff") filed objections to the Magistrate Judge's recommendation that Defendant Science Applications International Corporation d/b/a SAIC, Inc.'s motion for summary judgment be granted and that Plaintiff's above-entitled and numbered cause of action be dismissed with prejudice. Among other things, Plaintiff asserts the Court has been neither sympathetic nor very helpful in trying to "breach the Defendant's stonewall" in discovery. According to Plaintiff, the Court did not help him when presented with Plaintiff's motion to compel. Plaintiff requests the Court not accept the recommendation of the Magistrate Judge but rather allow additional time for discovery and trial.

Plaintiff's objections are without merit. As noted by the Magistrate Judge, Defendant filed

a motion for summary judgment and a motion to exclude Plaintiff's expert testimony on February 28, 2012. That same day, Plaintiff filed motion for continuance, asserting he could not further prosecute this lawsuit because Defendant had failed to respond to discovery. One month later, on March 29, 2012, the Court issued an Order granting in part and denying in part Plaintiff's motion to compel, ordering Defendant to produce certain discovery.

While Plaintiff sought to have Defendant's employees deposed in the United States, as opposed to Kuwait, the Magistrate Judge allowed the depositions of Defendant's employees to be taken telephonically. Plaintiff never took the depositions. The Magistrate Judge also allowed Plaintiff over four months to obtain necessary discovery and to respond to Defendant's motion for summary judgment. Although Plaintiff filed a response to Defendant's summary judgment motion, he did not file a response in opposition to Defendant's motion to exclude.

Plaintiff argues he was presented with a "logistical nightmare" due to the fact he was injured in Kuwait. Plaintiff chose to file suit here when Defendant's relevant employees are located in Kuwait. The Court has given Plaintiff ample time in which to procure discovery in order to respond to Defendant's motion for summary judgment. Plaintiff has failed to raise a genuine issue of material fact to preclude summary judgment.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby


ORDERED that Defendant Science Applications International Corporation d/b/a SAIC, Inc.'s Motion for Summary Judgment (Dkt. No. 25) is **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered cause of action is **DISMISSED**

WITH PREJUDICE.

It is SO ORDERED.

SIGNED this 21st day of August, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE